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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT

PAPER NUMBER

2161

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/823,704	Applicant(s) ITO ET AL.	
	Examiner Etienne P LeRoux	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,6,9,12,22,24,34,40-47 and 50-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,6,9,12,22,24,34,40-47 and 50-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>9/2005</u> | 6) <input type="checkbox"/> Other: _____ |

Continued Examination

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/6/2005 has been entered.

Claims Status

Claims 1, 4, 6, 9, 12, 22, 24, 34, 40-47 and 50-53 are pending. Claims 2, 3, 5, 7, 8, 10, 11, 13-21, 23-33, 35-39, 48, 49, 54 and 55 are canceled. Claims 1, 4, 6, 9, 12, 22, 34, 40-47 and 50-53 are rejected as detailed below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 1, 4, 6, 9, 12, 22, 34, 42, 43, 45, 52 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat No 6,535,889 issued to Headrick et al (hereafter Headrick) in view of US Pat No 6,156,964 issued to Sahai et al (hereafter Sahai).

Claims 1, 4, 6, 9, 12, 22, 24, 34, 42, 43, 45, 52 and 53:

Headrick discloses an apparatus for retrieving information from a site on a network, said apparatus comprising:

a display device [Fig 1, 126], an operator unit [Fig 1, 126], a processor device [Fig 1, 100] coupled with a removably attached external storage medium [Fig 1, 122], said display device and said operator unit, said removably attached external storage medium having prestored therein:

a plurality of items of first display information each for displaying an emulation screen imitating a screen of any one of one or more predetermined selling sites accessible via the network, wherein each emulation screen corresponds to a unique one of a plurality of products.

network address information for calling up any one of the selling sites [Fig 1, col 6, lines 53-65, col 8, lines 1-15, col 10, lines 30-35, Fig 3a, 302]

said processor device being adapted to:

present to a user a list screen listing a plurality of products

receive from the user via the list screen a selection of a particular product

read out [Fig 5, par 47] a particular one of the items of the first display information stored in said external storage medium corresponding to the emulation screen of the product selected by the user;

cause the emulation screen described by the read-out first display information, to be displayed on said display device; wherein said emulation screen displays a listing of data contained in the selling site imitated by the emulation screen, and wherein the emulation screen and the screen of the selling site imitated by the emulating screen are substantially similar in layout and function [Figs 3a-3e];

manipulate via said operator unit, an access button [Fig 3e, 900] on the emulation screen displayed on said display device, to thereby read out from said external storage medium, the network address information of a particular selling site corresponding to said emulation screen displayed on said display device, and transmit the read-out network address information to the network,

in response to the transmitted network address information, receive from said particular sites via the internet, second display information for displaying a screen of the particular site; said screen of the particular selling site corresponding to the product selected by the user

and switch the emulation screen, displayed on said display device, to the screen of the particular site on the basis of the received second display information [Figs 3a-3e], said screen of the particular selling site corresponding to the product selected by the user

Headrick discloses the essential elements of the claimed invention as noted above but does not disclose an electronic musical product. Sahai discloses an electronic musical product [Fig 1]. It would have been obvious to one of ordinary skill in the art at the time the invention

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was made to modify Headrick to include an electronic musical product as taught by Sahai for the purpose of allowing a musician to download a piece of music which he/she wishes to play

Claims 41 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Headrick and Sahai as applied to claims 1, 4, 6, 9, 12, 22, 24, 34-39, 42, 43, 45 and 52-55 and further in view of US Pat No 6,735,430 issued to Farley et al (hereafter Farley).

Claim 41:

Headrick discloses the elements of claim 40 as noted above but does not disclose wherein the display information to be transmitted to said client terminal is information for displaying the desired music piece as a musical score. Farley discloses wherein the display information to be transmitted to said client terminal is information for displaying the desired music piece as a musical score [col 4, lines 14-25]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Headrick to include wherein the display information to be transmitted to said client terminal is information for displaying the desired music piece as a musical score as taught by Farley for the purpose of providing a means for a person to play an instrument [col 4, lines 14-25]. The skilled artisan would have been motivated to modify Headrick per the above such that a user can obtain a musical score related to an audio clip such that the user can also play the music which he/she heard on the website.

Claim 46:

Headrick discloses the elements of claim 45 as noted above but does not disclose wherein the display information to be transmitted to said client terminal is information for displaying the

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desired music piece as a musical score. Farley discloses wherein the display information to be transmitted to said client terminal is information for displaying the desired music piece as a musical score [col 4, lines 14-25]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Headrick to include wherein the display information to be transmitted to said client terminal is information for displaying the desired music piece as a musical score as taught by Farley for the purpose of providing a means for a person to play an instrument [col 4, lines 14-25]. The skilled artisan would have been motivated to modify Headrick per the above such that a user can obtain a musical score related to an audio clip such that the user can also play the music which he/she heard on the website.

Claims 40, 44, 47, 50 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Headrick and Sahai as applied to claims 1, 4, 6, 9, 12, 22, 24, 34-39, 42, 43, 45, 52 and 53 and further in view of Pub No US 2002/0062357 issued to Srinivasan.

Claims 40, 44, 50 and 51:

Headrick discloses:

receiving from said client terminal, first request information designating a desired music piece

on the basis of said first request information received from said client terminal, transmitting to said client terminal, display information for displaying the desired music piece in its entirety so that the entire desired music piece can be displayed on said client terminal on the basis of the display information:

receiving from said client terminal, second request information designating at least a desired portion of the displayed music piece, said desired portion being selected by a user of said client terminal from a single piece corresponding to the displayed music piece

on the basis of said second request information received from said client terminal, creating partial music piece data that represent the desired music piece and correspond to the portion designated by said second request information [Figs 1, 3 and 5]

Headrick discloses the essential elements of the claimed invention as noted above but does not disclose determining a selling price of the created partial music piece data. Srinivasan discloses determining a selling price of the created partial music piece data [paragraph 22]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Headrick to include determining a selling price of the created partial music piece data as taught by Srinivasan for the purpose of enabling a customer to record something for a fee [paragraph 22]. The skilled artisan would have been motivated to modify Headrick per the above such that the owner of a website can conduct ebusiness.

Claim 47:

Headrick discloses the elements of claim 44 as noted above but does not disclose wherein the predetermined billing-related information is at least a credit-card number. Srinivasan the predetermined billing-related information is at least a credit-card number [paragraph 22]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Headrick to include the predetermined billing-related information is at least a credit-card number as taught by Srinivasan for the purpose of enabling a customer to record something for a

fee [paragraph 22]. The skilled artisan would have been motivated to modify Headrick per the above such that the owner of a website can conduct ebusiness.

Response to Arguments

Applicant's arguments submitted 9/6/2005 have been carefully considered and found persuasive but are now moot based on above new grounds of rejection based on applicant's claim amendments.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached Monday through Friday between 8:00 am and 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux

11/22/2005

